

MRS. OCIE M. GOODWIN ON TRIAL FOR MURDER OF HER HUSBAND

MYSTERY OF MURDER MAY BE UNRAVELED

COUNTY SUPERINTENDENT OGDEN HOLDS COURT OF APPEALS

Mrs. Ocie M. Goodwin, scarcely more than a strip of a girl, was placed on trial Wednesday in the circuit court, with Judge Charles W. Lynch presiding, for the murder of her husband, at their home on Grass Run, Thursday, June 8, at or about 2 o'clock a. m.

Some difficulty was experienced in getting a jury as several were not qualified to serve, having made up an opinion which the evidence would not change, they said, and still others were opposed to capital punishment. Not until 15 minutes after 1 o'clock in the afternoon without having taken the noon hour was the jury completed, after which recess of an hour for dinner was taken.

But before the jury was allowed to go to dinner the Judge gave orders that they should have no communication in any way with any one except the court. The newspapers were also prohibited from reaching them, and the sheriff and all his deputies were sworn in open court to guard the jury.

The jury as finally empanelled is composed of Charles Mitchell, M. E. Conchaver, John Miller, E. H. Childers, Hiram Bartlett, Benjamin Linselle, E. M. Hess, Alva Robinson, Nelson Robinson, Sidney Kidd, Phineas Queen and Thomas C. White.

Prosecuting Attorney W. E. Morris opened the trial by addressing the jury, reviewing the case from the standpoint of the state. He told of Mrs. Goodwin's going at between 2 and 3 o'clock to McAffee's neighbor, and giving the alarm of her husband having been shot. It was pointed out that neighbors accompanied her home and found him lying unconscious on the floor by the bed. He repeated her story as if made by a horse's hoof striking an iron pipe, of her jumping out of the window and hearing a shot fired after she had left. He also called attention to the conflicting stories she is alleged to have told about the murder. He informed of the jury of a lady's night clothes with blood on them being found next day in the bath tub at the Goodwin home. He pointed out also that the doors were found open and not locked as claimed by her. He described the finding of a revolver in the sewing machine drawer and evidence of its recent use. He also took up the positions they were supposed to have slept in that night with husband in front, wife in the middle and baby behind and how she is alleged to have shot him through the head while she still lay in bed.

Mr. Morris also stated that the bullet taken from the wound corresponded with the revolver found in the machine drawer, to which she directed those present.

The aim of the prosecuting attorney in the address was to impress the jury that while the evidence would be largely circumstantial, yet strong and convincing.

PRISONER'S SIDE.

At the conclusion of Mr. Morris' introductory remarks, J. E. Law for the prisoner, addressed the jury. He said among other things that the state had no grounds for even presuming her guilty and that circumstantial evidence was not strong enough to convict one of murder. He stated that she gave the alarm that her husband was shot and killed, though in fact in her excitement she might not have really known whether he was or not. He insisted that she was not guilty and that the marital relations between them strengthens the presumption of her innocence, and made it stronger that some one else did it.

Witnesses on either side named and excluded from testimony.

TESTIMONY BEGINS.
Mont McAffee was the first to go for the state and went on the witness stand at 3 o'clock sharp. He stated that he resided near the Goodwin home, knew both Mr. and Mrs. Goodwin, lived 75 yards from them, was a near neighbor, lived nearest their house, Jonathan Williams lived next nearest. Alpheus Williams lived down the run. Witness told about Mrs. Goodwin coming to his house, and telling him

"some one shot Ollie." He then went down to get Alpheus Williams. She offered to go back, but McAffee told her not to. Witness, Williams, Sam Corder and Mrs. Goodwin went to Goodwin home, walked up to house, Williams looked in window and said there he is on the floor. Williams said to her "you came out of window, 'spose we have to go in same way." She replied, "No, go around to the back door, it might be open." They went through that way. Found him lying close to side of bed. Saw blood on his neck and blood on pillow and down as far as shoulders would make. There was quite a pool of blood in the bed. The covering was all pushed down. Blood spots on the floor were less than on the bed.

The child was in the bed where the blood was, all huddled up about the pillow and was cold.

On the way over to the house she was asked if they kept a gun. She said yes, but Goodwin kept it locked up. At the house when asked for gun, she said she did not know where it was, but later told Williams where it was and we got it out of a drawer. She said she did not see anybody but thought some one grabbed at her as she came out of the door; also that the shot awakened her and she jumped out of the window. Going over to the house with them, she said she jumped out of the window, but jumped over her husband first and then out of the window.

It was 2:15 a. m. when they started to the Goodwin home. Witness had heard no noise. Saw next day clothes but was not close enough to see whether there was any blood on them. She had night gown on when she came to house of witness. Did not look like it had been used. Goodwin was moaning when they arrived and blood was on his right cheek. He had his underclothes on, with watch in his shirt pocket. A physician arrived some time afterward. The light in the room was turned down as low as it could be, and was placed so it could be used either in bedroom or dining room. Pants were hanging on the bed. Did not see any of her clothing. It was a cloudy night.

McAFEE CROSS-EXAMINED.

Witness on cross-examination located the Goodwin home on a map. She was at his house about 10 minutes and she must have left home 20 or 25 minutes before they arrived at her home. Did not understand her to say, "Go around to the back door, you might break it open." All went together to kitchen door. Alpheus Williams did not seem to be a little nervous. The door was open when they arrived at it, never made examination to see whether it had been forced open. The door between the bedroom and adjoining room was found wide open. By use of map witness located position of the sewing machine, and also where his wife and Miss Gertrude Samples were, when they examined the clothes.

At press hour the cross-examination of McAffee had not concluded. Thus far the defense has not been able to break down his testimony.

The state is represented by W. E. Morris and John Bessel and the defense by J. E. Law and E. G. Smith.

The prisoner appears to be taking the trial calmly and is perfectly prepossessed, although acute to all that goes on and shows evidences of a disposition to be somewhat frightened, due perhaps to being unaccustomed to court procedure.

CLASH COMING IN PRINTER'S STRIKE

By Associated Press.
Springfield, O., Sept. 20.—An injunction was granted the Crowell Publishing Company here today to prevent union printers stopping strike breakers as they entered the company's plant. Over fifty strike breakers have been caught by pickets and put on trains for other cities. A clash over the injunction is expected tonight.

HOW THEY ARE DESCRIBED

That the Epworth League has something good in store for the people of Clarksburg on Thursday evening, Sept. 28, when the Old Homestead Male Quartette sings at Goff church, is evident from the rating of the members of the quartette.

Mr. Bennett, the leader, has a pure lyric tenor voice of exquisite quality and unusual range, and has been styled a "silver-throated" singer. Mr. Spouse, the second tenor, has a very rich and smooth voice, marked by true artistic feeling, and has been trained with his fellows of the quartette in a manner to add greatly to the combined effect in the quartette singing.

Mr. Eddy has a very high and brilliant baritone voice and is equally strong in solo and ensemble work. He is also a fine violinist and plays with a great deal of artistic feeling. Mr. Lawson is the possessor of a deep bass voice, rich and powerful in tone, with distinct dramatic ability. He uses it with a repose that gives full feeling to its rich color and dignity.

Doors will be open at 7:30 o'clock and exercises begin at eight o'clock. Course tickets for all three entertainments on sale at Sturm & Wilson's drug store.

PRINTERS WIN I THEIR STRIKE

By Associated Press.
Albany, N. Y., Sept. 20.—After a week's duration the union printers' strike here for an eight-hour day ended today with the yielding of all the employing printers, who signed the agreement taking effect January 1, 1906.

WOLF RESCURED DIES IN LONDON

By Associated Press.
London, Eng., Sept. 20.—Dr. Thomas John Barnardo, the well known philanthropist, who rescued and trained over 55,000 orphan waifs died last night after a short illness.

MEETING DEVOTED TO MEMORY OF DEAD

By Associated Press.
Chattanooga, Tenn., Sept. 20.—The last meeting of the Society of the Army of Cumberland at the reunion, was devoted to memorial service in honor of the late President Boynton and other members who died during the last year.

Grayson's Funeral

The remains of Charles W. Grayson, colored, arrived here from Unionville, Ohio, Wednesday morning and were taken to the home of his parents, Mr. and Mrs. M. W. Grayson. The funeral will take place from the residence at 9:30 o'clock tomorrow morning and will be conducted by Rev. G. C. Sampson assisted by Rev. J. M. Beane. Interment will be in the Elkview cemetery.

First Meeting

The physical culture classes which Miss Dunn, of Broadus, has been forming will have their first meeting next Thursday in the Broadus chapel. One will meet at 4 o'clock in the afternoon and the other at 8 o'clock in the evening. Any one wishing to join either class will report to Miss Dunn at or before the appointed hours.

Indian Commissione Dries

Bridgeport, O., Sept. 20.—Ross J. Alexander, Indian commissioner, under the second Cleveland administration, died here last night of Bright's disease.

CHILD RESCUED FROM DEATH

A small child of Mr. and Mrs. David Jones had a narrow escape from being trampled to death during the circus parade Wednesday. The child was standing on the pavement at the corner of South Second and Main streets, when one of Hayman & Coston's delivery horses became frightened at the circus and ran away. The horse and wagon dashed into the telephone poles and then the horse began to stomp in a frantic manner. The child was underneath the horse and only the act of Samuel Lewis pulling her away prevented her from being stomped to death. In the rescue the horse kicked Lewis on the hand and hurt it some.

FEVER GERM BEING HUNTED

By Associated Press.
New Orleans, La., Sept. 20.—Investigations with a view to the discovery of the germs of yellow fever continue at the emergency hospital. Within the past week eight autopsies have been held at hospitals in connection with the investigations, the results of which will be published, when the fever is over. Generally the fever situation is regarded as encouraging.

WEDDING OCCURS AT PARSONAGE

Mr. Arthur C. Jamison, of Big Tree, this state, foreman for the South Penn Oil Company, and Miss Naomi Blanche Ward, of Bristol, were married at the First Presbyterian parsonage at 337 Mechanic street at 11 o'clock Wednesday by Dr. W. M. Hudson. The happy couple will leave on the Pittsburgh flyer tomorrow morning to spend their honeymoon in northern Pennsylvania.

EDITOR COOK DROWNS HIMSELF

By Associated Press.
Marietta, O., Sept. 20.—George M. Cooke, formerly editor of the Marietta Leader, is believed committed suicide last night by drowning. He had for some time brooded over the ill health of members of his family.

M'LEAN ARRESTED FOR CONSPIRACY

By Associated Press.
Washington, D. C., Sept. 20.—Captain Alexander McLean was arrested Monday by Canadian authorities at Victoria, B. C., on request of the American Consul acting for the Department of Justice, on the charge of conspiracy in fitting out a schooner in violation of the sealing laws. Report today says the boat is fitted up like a pirate ship.

PRESIDENT M'CALL ON WITNESS STAND

By Associated Press.
New York, Sept. 20.—President McCall, of the New York Life Insurance Company, was a witness today before the legislative investigating committee. McCall testified that \$235,000 had been paid by the New York Life Insurance Company to Andrew A. Hamilton, of Albany; that no accounting for this money had been made except to President McCall verbally, and that Hamilton attended sessions of the legislature at Albany in the interest of the New York Life Insurance Company.

CIRCUIT COURT PROCEEDINGS

In circuit court business has been done since the last report as follows: Albert Miles, colored, plead not guilty to misdemeanor indictments and was remanded to jail.

The plea of Mrs. M. O. Duff, indicted for misdemeanor, was rejected.

Pleas of not guilty were entered in the felony cases against Joe Miller and three others, Ivan Andrew Boggs, John Robey, Charles Harris and Jim Micklocheck.

Pleas of not guilty were also entered in the misdemeanor cases against Charles Jones and Mike Majkloolara.

The jury acquitted Baltimore "Kid" of an indictment charging him with burning a haystack belonging to J. E. Morris, of Bristol.

FRONT END IS PREFERRED

As the time for the completion of the Fairmont extension of the traction lines grows near, there is much interest being taken by the crews of the cars of the local runs in the new schedule which will likely be maintained over the long route.

Of course, at this time, there has been no official schedule talk and the question of operation of cars has scarcely been given a thought by the officials, still among the men who run the motors and collect the fares the matter has been thoroughly discussed and digested.

While there is a general desire among a greater part of the local crews to get on the long run, nearly all who have been seen want to be motormen. This is explained by a well known local conductor, who says:

"You see, the new run will get into a green country. The people won't be used to the cars and they will have to be 'broken in.' By that I mean they will have to be taught the methods of riding on trolley cars and will have to be shown the difference between that and steam car riding. Then the conductors on the new line will be up against the toughest element—the young fellows who try to take a car as soon as they board it. Now, as all conductors and motormen are sworn officers of the law, it won't take long to break up this practice, but it will have to be done. Another reason why the boys want to be at the front of the cars instead of at handling fares is that the new equipment will be the heaviest and the most modern to be bought. This means up-to-date brakes. Then the stops will be far between and these facts make the position of motorman more desirable."

SHOOTS HIMSELF IN HIS BEDROOM

By Associated Press.
Springfield, O., Sept. 20.—"Keep breakfast warm a little longer," shouted Newton Mays downstairs this morning when called. A few minutes later a pistol shot was heard in the room above. Mays had killed himself. He was sixty years old, a bachelor and quite wealthy. Ill health is assigned as the cause.

ROYAL ARCANUM FILES BILL IN COURT

By Associated Press.
Nashville, Tenn., Sept. 20.—Twenty-five members of local councils of the Royal Arcanum filed a bill in fiscal court here today to join the Supreme Council of the order from proceeding under the new rules and assessments adopted at Atlantic City. They charge that the recent action of the council was unjust, because it raised the rates of old men and lowered that charged to young men.

CRITICISM IS MADE OF HIS ACTION IN MATTER

Bristol, W. Va., Sept. 20.—County Superintendent L. W. Ogden at Bristol Tuesday reversed the action of the board of education of Tennessee district, in the matter of consolidating two schools of that district. At the annual July meeting the board ordered that what are known as the Goodwin and Alph Williams schools on Grass Run be consolidated. Patrons of the Goodwin school appealed from the board's action to the county superintendent, and Mr. Ogden went to Bristol Tuesday to hear the case, with the result as stated. E. F. Goodwin appeared as attorney for the parties appealing but the Board declined to make any answer in the case whatever, claiming that Mr. Ogden had already decided the case in his own mind.

A citizen of Tennessee district, who is familiar with the situation made a statement for the Telegram in which the superintendent comes in for some severe criticism, though his side of the case may put an entirely different light on the subject. He said:

"The Board of Education is to be commended for declining to have anything to do with what Mr. Ogden would be pleased to style the investigation of an appeal. Nobody likes to go to court when the judge and jury have been packed against them. Ogden could not have well conducted a more ridiculous farce than his 'judicial procedure' at Bristol Tuesday. It has been well known for weeks among the people generally that Ogden had not only prejudged the case but expressed his intention of re-opening the Goodwin school. He told members of the board as much, and all his theatrical appearance as a 'judge' sitting in an appeal to review their action was the cheapest kind of farce comedy, an insult to the spirit of the law and a total stranger to the remotest principles of fair and impartial investigation. The board granted him stability enough to adhere to the course he had decided on and carefully ignored his lawyer-arranged 'court of appeals.'"

"On the actual merits of the case the action of the board complained of needs no defense before any man that has no axe to grind and no backers to make of his official prerogatives for real or fancied personal advantage. The average attendance at the two schools is about 18 pupils—6 at Goodwin's and 12 at Williams'—and the wisdom of consolidating the two schools when the houses are situated within less than a mile and a half of each other, appeals to the good sense of any fair-minded man. Not a child in either sub-district would have farther to travel to the school than thousands of children in West Virginia are obliged to go.

"But Ogden does not appear to be much influenced by mere facts when he had made up his mind to please at the expense of the tax payers of a district. \$350 a year is what the people of Tennessee will be obliged to pay for this freak of official administration at his hands. He has also been guilty of the grossest irregularity in interpreting the spirit of the law in the case. The law provides that in an appeal of this kind the superintendent shall at once fix a time and place for hearing the evidence of the parties. Instead, he has spent two months in a frantic attempt to dodge his plain duty as to hearing the proofs and allegations of the parties. He has importuned the board to help him out so that his friends might have their pet school and he escape the responsibility and further, he has used every effort in a vain attempt to manufacture a sentiment among the people to support the decision which he fixed in his mind when the matter was first brought to his attention.

"The most ridiculous feature of his 'court' Tuesday was his opening statement, the burden of which was that there are several schools in the county as small as the Goodwin school. Indeed, a new form of

judicial logic: If the taxpayers of one district the being held to support useless schools and pay unemployed teachers, then let Tennessee have the blade. Perhaps the county superintendent does not know that the law provides that such cases be decided on the evidence and touching the legality and propriety of the action complained of. Then again, this 'speech from the bench,' made before a word of testimony had been produced, is confirmation from his own lips of the contention of the board that he had decided the case before he came to Bristol. His hearing at Bristol Tuesday was for the sole and only purpose of giving his illegal and unwarranted judgment the force and authority of legality."

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OLD CAIN IN POLICE COURT

One named Cain was before Mayor Shields this morning in police court. His Honor's caustic, but nevertheless truthful, remark was that he was the first that had made trouble in this world and would probably always keep it up. He then bade him raise all the Old Cain he wanted to in the county jail for several days. Three other guests got three days each and one left his "calling" card for \$4.50 as a reminder of his interest in the financial welfare of the city, and especially to gladden the heart of the city treasurer.

CHAUTAUQUA CIRCLE PLANNED FOR

A number of persons assembled at Dr. Andrews' office last evening and made preliminary arrangements to effect a Chautauqua circle for this season. The meeting adjourned for one week when the organization will be perfected, officers selected and place of meeting decided upon. Everybody interested in getting a larger outlook on the world, past and present, is invited to join this circle.

Total cost for books, membership, etc., is five dollars and as many persons can combine on one set of books as agreeable to the parties thus combining, saving cost of literature.

BIG GUNS FAIL TO ATTEND

United States Senator Stephen B. Elkins and Ex-Governor W. A. MacCorkle wired their regrets to the West Virginia Editorial Association at Webster Springs, and neither will be present at the meeting. Both had been assigned on the program and considerable disappointment resulted from their inability to attend.

Clever Press Agent

Clinton Newton, press agent for the Sig. Sautelle & Welsh Brothers' circus, is a very clever gentleman and knows exactly what to do to get close to the newspapers. He is as accommodating as one finds them and does his business in most satisfactory manner to the newspapers, and is an agent whose true worth is greatly appreciated by the owners of the circus. The Telegram is of the opinion that he fills the bill exactly.

Ogden in Charleston

County Superintendent L. W. Ogden left Wednesday morning for Charleston to assist in grading the manuscripts of those who took the recent teachers' examination, and will be gone several days.